

Before the
Federal Communications Commission
 Washington, D.C. 20554

In The Matter of the
 Revocation of license of

JAMES B. WILLIAMS
 Wilmington, California
 Amateur Radio Station AA6TC

and

Suspension of license of

JAMES B. WILLIAMS
 Wilmington, California
 Amateur Extra Class
 Radio Operator License

and

Revocation of license of

ROSE MARIE FLORES
 Santa Monica, California
 Amateur Radio Station N6WPR

and

Suspension of license of

ROSE MARIE FLORES
 Santa Monica, California
 Amateur Extra Class
 Radio Operator License

and

Revocation of license of

ROBERT L. FLORES
 Santa Monica, California
 Amateur Radio Station N6WPQ

and

Suspension of license of

ROBERT L. FLORES
 Santa Monica, California
 Amateur Extra Class
 Radio Operator License

ORDER TO SHOW CAUSE AND SUSPENSION ORDER

Adopted: September 20, 1994; Released: September 27, 1994

1. The Commission has before it for consideration the amateur radio station licenses and Amateur Extra Class operator licenses held by James B. Williams (AA6TC), Rose Marie Flores (N6WPR), and Robert L. Flores (N6WPQ).

2. It appears that the respondents -- James B. Williams, Rose Marie Flores, and Robert L. Flores -- and a fourth person were volunteer examiners (VEs) at an amateur operator license examination session held at the Carol Little company (Company) in Los Angeles, California, on August 15, 1993. It is undisputed that they administered examinations at that session to seven members of a class that had been held for Company employees. The respondent VEs claim that they also examined numerous additional persons at the same session. Information available to the Commission, however, indicates that the respondents did not examine additional persons.

3. It appears further that the respondents willfully signed VE certifications and Certificates of Successful Completion of Examination indicating that persons who were not examined at the Company session had passed the examination elements required for amateur operator licenses at that session. It also appears that respondent Rose Marie Flores, who was in charge of the paperwork at the Company session, willfully obtained the signatures of other VEs upon certifications and Certificates of Successful Completion of Examination indicating that persons who were not examined at that session had passed the examination elements required for amateur operator licenses. It appears, therefore, that the respondents assisted other persons to obtain amateur operator licenses by fraudulent means, in willful and repeated violation of Sections 97.17(e) and 97.517 of the Commission's Rules, 47 C.F.R. §§ 97.17(e) and 97.517;¹ and that the respondents made misrepresentations of material fact to the Commission.

4. It appears further that the respondents claimed, in their replies of June 5 (Williams), June 25 (Robert L. Flores -- date of postmark) and July 14 (Rose Marie Flores) to Commission correspondence, that there was a second examination sitting on August 15, 1993, on the premises of the Company. Information available to the Commission, however, indicates that there was no "second sitting." It appears, therefore, that the respondents' claims are misrepresentations of material fact to the Commission.

¹ Section 97.17(e) provides: "No person shall obtain or attempt to obtain or assist another person to obtain or attempt to obtain an amateur operator license or reciprocal permit for alien amateur operator license by fraudulent means." Section 97.517 provides: "No VE may administer or certify any examination by

fraudulent means or for monetary or other consideration including reimbursement in any amount in excess of that permitted. Violation of this provision may result in revocation of the VE's amateur station license and the suspension of the VE's amateur operator license."

5. IT IS ORDERED that, under Sections 312(a)(2) and (4) and 312(c) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. §§ 312 (a)(2) and (4) and 312(c), the respondents ARE DIRECTED TO SHOW CAUSE why the captioned radio station licenses should not be REVOKED; that the respondents' captioned operator licenses ARE SUSPENDED, under Sections 303(m)(1)(A) and (F) of the Act, 47 U.S.C. § 303(m)(1)(A) and (F), for the remainder of their terms; and that the issues thereupon will be the following:

- (a) To determine whether the respondents willfully and/or repeatedly violated Sections 97.17(e) and 97.517 of the Commission's Rules, 47 C.F.R. §§97.17(e) and 97.517.
- (b) To determine whether the respondents misrepresented material facts to the Commission.
- (c) To determine whether the respondents are qualified to remain Commission licensees.
- (d) To determine whether the Commission would be warranted in refusing to grant an amateur service license to each respondent on the basis of an original application.
- (e) To determine whether each of the captioned radio station licenses should be revoked.
- (f) To determine whether the suspension of each of the captioned operator licenses should be affirmed, modified or dismissed.

6. IT IS FURTHER ORDERED that, to avail him or herself of the right, under Section 1.91(c) of the Commission's Rules, 47 C.F.R. § 1.91(c), to present evidence at a hearing, each respondent desiring a hearing shall file a request for a hearing within 30 days after receiving this order. If a hearing is requested, a time, place and presiding Administrative Law Judge will be designated by subsequent order. If any or all respondents do not request a hearing, the Commission will consider a written statement from each respondent not requesting a hearing and will determine, without a hearing, whether revocation and/or suspension is warranted.

7. IT IS FURTHER ORDERED that the operator license suspension of any respondent who files a timely request for a hearing or a written statement will be held in abeyance pending a decision and that the operator license suspension of any respondent who does *not* file a timely request for a hearing or a written statement will take effect 30 days after his or her receipt of this order.

8. IT IS FURTHER ORDERED that the captioned proceedings are CONSOLIDATED pursuant to Section 1.227 of the Commission's Rules, 47 C.F.R. § 1.227. The captioned proceedings involve substantially the same issues and their consolidation will best conduce to the proper dispatch of business and to the ends of justice.

9. IT IS FURTHER ORDERED that, under Section 312(d) of the Act, 47 USC § 312(d), both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Private Radio Bureau as to all issues.

10. IT IS FURTHER ORDERED that copies of this Order shall be sent to each respondent by Certified Mail -- Return Receipt Requested.

FEDERAL COMMUNICATIONS COMMISSION

Robert H. McNamara
Chief, Special Services Division